

## Message Text

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ORIGIN EUR-12

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TO AMEMBASSY BRUSSELS PRIORITY

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FOR USEC

E.O. 11652: N/A

TAGS: ETRD, EC

SUBJECT: U.S. REACTION TO EC COMMENTS ON DRAFT STEEL  
RESOLUTION

1. USG HAS REVIEWED DRAFT STEEL RESOLUTION CIRCULATED TO  
EC AND JAPAN ON MAY 2 AS WELL AS COMMENTS RECEIVED ORALLY  
FROM BOTH GOVERNMENTS ON MAY 11-12. IN ADDITION, WE HAVE  
DEVELOPED ADDITIONAL PROPOSED LANGUAGE FOR INCORPORATION  
INTO THE RESOLUTION ON PROVISIONAL SAFEGUARD ACTIONS UNDER  
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CRITICAL CIRCUMSTANCES AND WORKER READAPTATION. IT SHOULD  
BE RECALLED THAT THE DRAFT HAD NOT BEEN OFFICIALLY ENDORSED  
BY THE USG AND THERE ARE SEVERAL POINTS WHICH WE WOULD PRO-  
POSE TO MODIFY. THE USG REACTIONS AND PROPOSED CHANGES ARE  
REVIEWED PARAGRAPH BY PARAGRAPH BELOW. A FEW MINOR EDI-  
TORIAL CHANGES ARE NOT INCLUDED BUT WILL BE REFLECTED IN A  
CONSOLIDATED DRAFT LATER.

2. PROBLEMS (1ST PARA.) -- SUBSTITUTE QUOTE MARKED CHANGES  
IN TRADITIONAL TRADE PATTERNS CLOSE QUOTE FOR QUOTE MARKED

DISRUPTIONS OF CUSTOMARY TRADE PATTERNS CLOSE QUOTE. THIS CHANGE REFLECTS EC AND GOJ SUGGESTIONS AND USG CONCURS.

3. PROBLEMS (2ND PARA.) -- DELETE QUOTE STEEL IS VIEWED AS OF CRITICAL IMPORTANCE TO NATIONAL SECURITY CLOSE QUOTE. EC AND GOJ BOTH PROPOSED THIS CHANGE AND USG CONCURS.

4. OBJECTIVES (1ST PARA.) -- USG PROPOSES ADDING QUOTE BE FAIR AND CLOSE QUOTE TO PHRASE QUOTE ENSURE THAT TRADE IN STEEL WILL BE FAIR AND REMAIN AS FREE AS POSSIBLE; CLOSE QUOTE. EC PROPOSES DELETION OF LAST PHRASE IN THE SAME SENTENCE AND SUBSTITUTION OF QUOTE AND WHERE RESTRICTIVE ACTIONS ARE NECESSARY THEY BE STRICTLY LIMITED IN SCOPE AND TIME CLOSE QUOTE. USG PREFERS ORIGINAL LANGUAGE WHICH PARALLELS OECD TRADE PLEDGE AND REQUESTS EC RATIONALE FOR CHANGE.

5. OBJECTIVES (PARA. 1, 2ND INDENT) -- DELETE THE WORD PERMANENT. USG FEELS THAT REDUCTION OF BOTH TEMPORARY AND PERMANENT BARRIERS TO TRADE SHOULD BE ENCOURAGED.

6. OBJECTIVES (PARA. 1, 3RD INDENT) -- SUBSTITUTE QUOTE IN CLOSE QUOTE FOR QUOTE BASED ON CLOSE QUOTE WITH APPROPRIATE LIMITED OFFICIAL USE  
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EDITORIAL CHANGES THEREAFTER. THIS WAS EC SUGGESTION AND USG CONCURS.

7. OBJECTIVES (PARA 1, 5TH INDENT) -- INSERT QUOTE TO THE EXTENT POSSIBLE CLOSE QUOTE BETWEEN THE WORDS CONSISTENT AND WITH. THIS INSERTION IS PROPOSED BY THE USG TO INDICATE THAT GENERAL ECONOMIC POLICIES MAY NOT ALWAYS BE APPROPRIATE GUIDES FOR POLICIES IN THE STEEL SECTOR.

8. COMMITTEE FUNCTIONS (SUBPARA NO. 1) -- USG PROPOSES INSERTION OF QUOTE AND CLOSELY RELATED INDUSTRIES CLOSE QUOTE AFTER THE PHRASE QUOTE SUPPLY AND DEMAND CONDITIONS IN STEEL CLOSE QUOTE AND DELETION OF THE PHRASE QUOTE FOR RELATED INDUSTRIES CLOSE QUOTE LATER IN THE SAME SENTENCE. BY THIS CHANGE WE WOULD PROPOSE TO EXPLICITLY INCLUDE REGULAR COLLECTION OF SUPPLY AND DEMAND DATA FOR CLOSELY RELATED INDUSTRIES AS PART OF THE STEEL COMMITTEE'S MONITORING FUNCTION. WE DO NOT BELIEVE THAT POLICIES WITH RESPECT TO THOSE INDUSTRIES SHOULD BE DISCUSSED IN THE STEEL COMMITTEE.

9. COMMITTEE FUNCTIONS (SUBPARA. NO. 4) -- EC PROPOSES DELETION OF THE PHRASE QUOTE AND WITH THE CURRENT SITUATION CLOSE QUOTE. USG FEELS THAT THE CURRENT SITUATION SHOULD BE A CRITICAL FACTOR IN EVALUATING GOVERNMENT POLICIES AND ACTIONS AND FEELS THAT THIS

THOUGHT SHOULD BE RETAINED.

10. COMMITTEE FUNCTIONS (SUBPARA. NO. 5) -- EC PROPOSES

DELETION OF PHRASE QUOTE NEEDED BY THE COMMITTEE CLOSE QUOTE. USG FEELS THAT LINK TO THE COMMITTEE'S FUNCTIONS PROVIDES A FOCUS FOR EFFORTS TO IMPROVE DATA AND SEEKS EC CLARIFICATION AS TO WHY DELETION WOULD BE DESIRABLE.

11. MEMBERSHIP -- EC PROPOSES MODIFICATION TO LIMIT MEM-  
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BERSHIP TO OECD COUNTRIES WITH THE OPTION TO INVITE OTHERS LATER. USG CANNOT AGREE AT THIS TIME TO LIMIT MEMBERSHIP TO OECD COUNTRIES AS THIS PREJUDGES ORGANIZATIONAL CONTEXT FOR THE STEEL COMMITTEE. ORIGINAL DRAFT LANGUAGE WOULD BE INTERPRETED AS APPLYING TO OECD COUNTRIES IF RESOLUTION IS ULTIMATELY IMPLEMENTED IN OECD.

12. INITIAL COMMITMENTS (PARA 1) -- EC PROPOSES DELETION OF QUOTE TRADE CLOSE QUOTE AND QUOTE TAKEN UNDER GATT ANTI-DUMPING AND SAFEGUARD PROVISIONS CLOSE QUOTE FROM OPENING SENTENCE. USG SEEKS EC REASONS FOR DELETIONS SINCE ENSUING PARAGRAPHS FOCUS ON TRADE ACTIONS UNDER THE GATT PROVISIONS INDICATED.

13. INITIAL COMMITMENTS (SUBPARA. NO. 1) -- EC PROPOSED MODIFICATION IN MIDDLE OF FIRST SENTENCE AS FOLLOWS QUOTE FULLY CONSISTENT WITH PRESENT OR FUTURE GATT PROVISIONS CLOSE QUOTE. USG CONCURS.

14. INITIAL COMMITMENTS (SUBPARA NO. 1) -- EC PROPOSES DELETION OF SECOND SENTENCE. USG WOULD LIKE RATIONALE FOR THIS CHANGE.

15. INITIAL COMMITMENTS (SUBPARA NO. 2) -- EC PROPOSES TO REWRITE THIS SUBPARA TO LINK ALL TRADE ACTIONS (PRESUMABLY INCLUDING ANTIDUMPING) TO STRUCTURAL ADAPTATION EFFORTS IN THE STEEL INDUSTRY. SINCE ANTIDUMPING ACTIONS HAVE NO RELATIONSHIP TO QUESTIONS OF STRUCTURAL ADAPTATION AND SUBPARAS 4 AND 8 IN THIS SECTION CLEARLY ESTABLISH THE LINK BETWEEN SAFEGUARD ACTIONS AND RESTRUCTURING, THE EC'S PROPOSED MODIFICATION APPEARS UNNECESSARY.

16. INITIAL COMMITMENTS (SUBPARA NO. 3) -- USG PROPOSES TO  
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MODIFY OPENING PHRASE TO READ QUOTE CONSISTENT WITH

EXISTING DOMESTIC LAW CLOSE QUOTE FOR PURPOSE OF CLARIFICATION. EC PROPOSES CHANGING CONCLUDING PHRASE TO READ QUOTE PARTICULARLY WHERE THERE IS A RISK THAT TRADITIONAL TRADE FLOWS MAY BE SEVERELY DISRUPTED CLOSE QUOTE. USG AGREES TO CHANGE TO TRADITIONAL FROM CUSTOMARY BUT DOES NOT AGREE THAT A RISK OF DISRUPTION TO TRADE FLOWS SHOULD OBLIGE GOVERNMENTS TO TAKE INTO ACCOUNT THE CONCERNS OF TRADING PARTNERS. SINCE THE TERM RISK IS USED, WE ASSUME THAT ANY CONSULTATIONS WOULD BE BASED ON SPECULATION ABOUT WHAT

MIGHT HAPPEN. IT IS UNLIKELY THAT MODIFICATION OF THE STRUCTURE AND OPERATION OF MEASURES WOULD BE IMPLEMENTED ON THE BASIS OF SPECULATIONS. HOWEVER, WHERE THERE IS EVIDENCE OF SEVERE DISRUPTIONS, THE USG OR ANY OTHER GOVERNMENT SHOULD TRY TO TAKE THIS INTO ACCOUNT IN THE APPLICATIONS OF THEIR MEASURES.

17. INITIAL COMMITMENTS (SUBPARA. NO. 4) -- EC PROPOSES NEW FIRST SENTENCE QUOTE WHEN ACTIONS ARE NECESSARY THEY SHOULD BE AS LIMITED AND TEMPORARY AS POSSIBLE CLOSE QUOTE TO REPLACE LAST SENTENCE. USG CONCURS. EC PROPOSES SUBSTITUTING QUOTE PARTICULARLY CLOSE QUOTE FOR QUOTE PRINCIPALLY CLOSE QUOTE IN ANTIDUMPING SENTENCE. USG SEEKS EC RATIONALE FOR CHANGE. USG SUGGESTS SUBSTITUTING QUOTE INDICATED CLOSE QUOTE FOR QUOTE PREFERRED CLOSE QUOTE IN THE SAME SENTENCE AND QUOTE APPROPRIATE CLOSE QUOTE IN THE ARTICLE XIX SENTENCE. THESE SUBSTITUTIONS WOULD PROVIDE A PARALLEL STRUCTURE FOR THE TWO SENTENCES AND WOULD CLARIFY THE PRINCIPAL POINT BEING MADE -- THAT THE ACTION SHOULD REFLECT THE NATURE OF THE PROBLEM.

18. INITIAL COMMITMENTS (SUBPARA NO. 5 AND 6) -- USG PROPOSES DELETION OF THE REFERENCE TO ARTICLE 8(D) OF THE ANTIDUMPING CODE AND SUBSTITUTION OF THE TERM QUOTE PRICE GUIDELINES ESTABLISHED CLOSE QUOTE FOR QUOTE ACTIONS TAKEN LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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CLOSE QUOTE AT THE BEGINNING OF SUBPARA NO. 5. THIS CHANGE IS INTENDED TO INSURE THAT THESE PROVISIONS APPLY TO ALL BROAD BASED ANTIDUMPING PRICE GUIDELINES. THE U.S. TPM SYSTEM, FOR EXAMPLE, IS BASED ON ARTICLE 6 OF THE ANTIDUMPING CODE NOT ARTICLE 8(D). THE EC PROPOSES TO MAKE SUBPARA 5 LESS BINDING BY SAYING THAT ACTIONS QUOTE MAY BE CLOSE QUOTE RATHER THAN QUOTE ARE CLOSE QUOTE APPROPRIATE ONLY UNDER THE CONDITIONS DESCRIBED. USG FEELS THAT GOVERNMENTS SHOULD HAVE A CLEAR UNDERSTANDING AS TO WHEN PRICE GUIDELINES ARE AND ARE NOT APPROPRIATE AND QUESTIONS WHY EC FEELS THIS CHANGE IS NECESSARY.

19. INITIAL COMMITMENTS (SUBPARA 6) -- EC PROPOSES DEFINING THE LOWEST NORMAL PRICE UNDER ARTICLE 8(D) AS THE FULL

COST OF PRODUCTION, PROFIT, DELIVERY COSTS AND DUTIES FROM THE MOST COMPETITIVE SUPPLYING COUNTRY OR COUNTRIES WHEN NORMAL CONDITIONS OF COMPETITION PREVAIL. THE USG IS CONCERNED THAT THIS WOULD RAISE A MAJOR ISSUE WHICH NEED NOT BE RAISED PARTICULARLY UNDER OUR REVISED FORMULATION WHICH REMOVES ANY REFERENCE TO ARTICLE 8(D). AS LONG AS OTHER GOVERNMENTS ACCEPT USE OF FULL COST OF PRODUCTION, ETC. AS A BASIS FOR PRICE GUIDELINES, THE ISSUE OF WHAT CONSTITUTES THE LOWEST NORMAL PRICE NEED NOT BE ADDRESSED. IN FACT, IT CAN BE ARGUED THAT WHEN COST OF PRODUCTION IS LESS THAN THE

LOWEST NORMAL PRICE (WHICH MIGHT BE DEFINED IN OTHER WAYS), THIS SUBPARA ALLOWS FREER TRADE THAN ARTICLE 8(D) OF THE ANTIDUMPING CODE.

20. INITIAL COMMITMENTS (SUBPARA 7) -- USG PROPOSES DELETION OF PHRASE QUOTE ALONE OR COMBINED WITH OTHER MEASURES CLOSE QUOTE. WHILE THIS PHRASE WAS INCLUDED IN THE ORIGINAL DRAFT, THIS WAS DONE BECAUSE OF STRONG EC INTEREST. USG LIMITED OFFICIAL USE  
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INITIAL REACTION WAS NOT NEGATIVE IN LIGHT OF EC'S ANNOUNCED INTENT THAT ITS BILATERAL AGREEMENTS WOULD INCLUDE QUANTITATIVE GUARANTEES NOT QUANTITATIVE LIMITS. AS IT NOW APPEARS THAT ALL OF THE AGREEMENTS BEING NEGOTIATED (EXCEPT WITH EFTA COUNTRIES) INCLUDE BOTH QUANTITATIVE AND PRICE RESTRICTIONS, THE USG FEELS THAT IT SHOULD NOT ENDORSE SUCH AGREEMENTS IN THIS RESOLUTION. AGREEMENTS THAT RESTRICT BOTH PRICE AND QUANTITY ARE REALLY TEMPORARY CARTELS WHICH THE USG FEELS SHOULD NOT BE ENCOURAGED OR PERMITTED. EC HAS ALSO PROPOSED SUBSTITUTION OF QUOTE TRADITIONAL CLOSE QUOTE FOR QUOTE CUSTOMARY CLOSE QUOTE IN THE LAST SENTENCE. USG CONCURS.

21. INITIAL COMMITMENTS (SUBPARA 8) -- EC PROPOSES SUBSTITUTE LANGUAGE FOR QUOTE FOREGO RETALIATION RIGHTS CLOSE QUOTE AS FOLLOWS QUOTE REFRAIN FROM EXERCISING THEIR RIGHT TO PROCEED TO THE WITHDRAWAL OF SUBSTANTIALLY EQUIVALENT CONCESSIONS CLOSE QUOTE WITH WHICH U.S. CAN AGREE.

22. INITIAL COMMITMENTS (SUBPARA. 9) -- USG PROPOSES NEW SUBPARA 9 AS FOLLOWS: PROVISIONAL ACTIONS IN CRITICAL CIRCUMSTANCES UNDER GATT ARTICLE XIX ARE APPROPRIATE ONLY WHEN THERE ARE SEVERE UNEMPLOYMENT OR UNDEREMPLOYMENT, DEPRESSED INDUSTRY CONDITIONS, AND SHARP ACCELERATION OF IMPORTS OR IMPORT SHARES THAT THREATEN IRREPARABLE DAMAGE TO THE DOMESTIC INDUSTRY BY IMPAIRING THE FINANCIAL VIABILITY OF COMPETITIVE FIRMS. THIS PARAGRAPH IS INTENDED TO PROVIDE A PARALLEL FRAMEWORK FOR PROVISIONAL SAFEGUARD ACTIONS TO THAT PROVIDED FOR TPM OR BASIC PRICE SYSTEMS IN SUBPARA 5. IT COMPLEMENTS THE EXISTING ARTICLE XIX LANGUAGE

REGARDING PROVISIONAL ACTION BY GIVING CLEARER DEFINITION OF THE CRITICAL CIRCUMSTANCES IN WHICH PROVISIONAL ACTIONS ARE WARRANTED.

23. INITIAL COMMITMENTS (CREDIT INSTITUTIONS PARA) -- BOTH EC AND JAPAN PROPOSE EXTENSIVE REVISION OF THIS SECTION.  
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WE SUGGEST EC CONSIDER THE FOLLOWING PROPOSAL: THE MEMBERS OF THE STEEL COMMITTEE AGREE THAT GOVERNMENTAL INSTITUTIONS EXTENDING CREDITS INTERNATIONALLY WOULD TAKE DUE ACCOUNT OF EXPECTED SUPPLY AND DEMAND CONDITIONS IN SUPPORTING NEW CAPACITY ADDITIONS; THAT MEMBER GOVERNMENTS SHOULD AVOID

ANY FORM OF COMPETITIVE SUBSIDIZATION OF NEW STEELMAKING CAPACITY; AND THAT THE POLICIES OF GOVERNMENT EXPORT CREDIT INSTITUTIONS REGARDING STEEL PLANTS SHOULD BE FULLY CONSISTENT WITH THE INTERNATIONAL UNDERSTANDING DEVELOPED IN THE OECD.

24. INITIAL COMMITMENTS (STRUCTURAL ADAPTATION PARA) -- EC PROPOSES MODIFICATION OF PARENTHETICAL PHRASE TO READ QUOTE (E.G. BY ARTIFICALLY STIMULATING EXPORTS, RAISING STOCK LEVELS, OR DISPLACING IMPORTS) CLOSE QUOTE. USG CAN ACCEPT THIS CHANGE. EC ALSO PROPOSES MODIFICATION OF LAST SENTENCE TO WEAKEN AN ALREADY MILD ADMONITION AGAINST PREVENTING CLOSURE OF UNCOMPETITIVE FACILITIES. USG PREFERS ORIGINAL FORMULATION.

25. LABOR READAPTATION (NEW PARA) -- USG PROPOSES TO ADD NEW PARA AFTER PARA ON STRUCTURAL ADAPTATION AS FOLLOWS: QUOTE THE MEMBERS OF THE STEEL COMMITTEE AGREE TO MAKE EVERY EFFORT TO PROVIDE EFFECTIVE PROGRAMS FOR STEEL WORKER READAPTATION AWAY FROM FACILITIES IMPACTED BY STRUCTURAL ADJUSTMENTS INTO ALTERNATIVE EMPLOYMENT. TO THIS END, THE MEMBERS WILL PERIODICALLY EXCHANGE INFORMATION ON THE EFFECTIVENESS OF POLICIES AND PROGRAMS TO ASSIST STEEL WORKERS AND COMMUNITIES. CLOSE QUOTE. THIS ADDITION REFLECTS DISCUSSION WE HAD ON THE ISSUE IN WASHINGTON.

26. INITIAL COMMITMENTS (SUPPLY ACCESS PARA) -- USG CAN  
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ACCEPT EC SUGGESTIONS.

27. INITIAL WORK PROGRAM (1ST PARA) -- EC PROPOSES DELETION OF ENTIRE SECTION AND INSERTION OF A NEW PARAGRAPH WHICH DOES NOT SPECIFY PRIORITY AREAS FOR CONSIDERATION

BY STEEL COMMITTEE. USG CAN AGREE TO EC FORMULATION PROVIDED WE CAN AGREE NOW THAT THE SPECIFIC AREAS INDICATED IN THE ORIGINAL DRAFT PLUS ACTIVITIES OF GOVERNMENT CREDIT INSTITUTIONS LENDING INTERNATIONALLY WOULD CONSTITUTE THE COMMITTEE'S INITIAL WORK PROGRAM.

28. USG WOULD WELCOME EC RESPONSE ON THE ABOVE POINTS ASAP SO THAT IT CAN PREPARE FOR BILATERAL DISCUSSIONS IN BRUSSELS ON MAY 25-26. VANCE

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## Message Attributes

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